

Appln. No. 10/695,116

Attorney Docket No. 10541-1875

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1 and 3-19 remain pending

Objections – Specification

The Examiner objected to the Abstract of the Disclosure stating the word "that" should be deleted. The Abstract of the Disclosure has been amended in the first line thereof to delete the word "that". Accordingly, it is believed that this objection has been overcome and should be withdrawn.

Claim Rejections – 35 U.S.C. §103

The Examiner rejected claims 1 and 3-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,016,861 to Davis ("Davis") in view of U.S. Patent No. 6,082,432 to Kissinger ("Kissinger"). The Applicant respectfully traverses this rejection. It is noted that the paragraph introducing the rejection states that the secondary reference is Lindley, Jr., but that in the explanation of the reference Kissinger is applied. In that Kissinger was specifically applied, Applicant regards the listing of Lindley, Jr. as an oversight and typographical error.

The Examiner correctly notes that Davis lacks the vent screen including a retraction device, the retraction device being connected to and between the guide rails and adjacent to the side portion of one of the stationary windows as recited in claims 1 and 12. In applying Kissinger, the Examiner states that Kissinger teaches a screen door assembly having a vent screen with a retraction device connected to a

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first end of the screen panel and adapted to automatically spool the screen panel via a biasing spring and the that the retraction devices mounted to and between the guide rails of the assembly. A careful reading of Kissinger, however, reveals that its retraction device is not mounted to and between any guide rails.

As shown in Figure 2 of Kissinger, the upper cap 18 is attached by screws 45 to L-bracket tabs within the U-shaped cover 40 (Kissinger, col. 4, lines 27-28). The upper end cap 18 has a bracket flange 46 that is specifically recited as being for connecting the device to a mounting wall. (Kissinger, col. 4, lines 28-29), not guide rails.

Claims 1 and 12 of the present invention state that the retraction device is mounted to and between the guide rails and adjacent to the side portion of one of the stationary windows. Neither Davis nor Kissinger disclose the retraction device mounted to and between the guide rails. Contrarily, as noted above, Kissinger discloses mounting the retraction device to a mounting wall.

Additionally, when combining references to make an obviousness rejection, there must some be motivation or suggestion, within the references themselves, to make the combination. In Kissinger, the invention is directed to being used in combination with a pivoted natured door or French sliding doors. (Kissinger, column 3, lines 28-29). Kissinger makes no suggestion to use the invention in combination with a slidable window assembly for an automobile.

In that there is no motivation to combine these references it must be concluded that the combination of Davis in view of Kissinger cannot render the claims of the present application as obvious. The rejection under 35 U.S.C. §103 is therefore improper and should be withdrawn.

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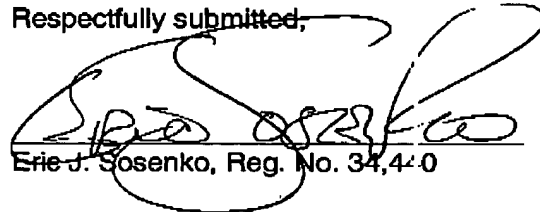
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The remaining claims are either dependent on claims 1 or 12 and are therefore allowable for the same reasons given for claims 1 and 12.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,



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